

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Health	(2) MEETING DATE 5/14/2013	(3) CONTACT/PHONE Penny Borenstein / 781-5519	
(4) SUBJECT Request to approve an amendment to an agreement (Clerk's File) with the California Environmental Protection Agency to extend the term of the agreement from March 31, 2013 to December 31, 2013, with all other provisions remaining the same, to implement hazardous material/waste programs throughout the County.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1) Approve an amendment to an agreement with the California Environmental Protection Agency to extend the term of the agreement from March 31, 2013 to December 31, 2013, with all other provisions remaining the same, to implement hazardous material waste programs throughout the county; 2) Ratify the Director of Environmental Health Services signing the amendment on March 27, 2013 which extends the term for an additional nine months; and 3) Authorize the Director of Environmental Health Services to sign future amendments to the Agreement with the California Environmental Protection Agency that do not increase the level of General Fund support required by the Health Agency.			
(6) FUNDING SOURCE(S) State	(7) CURRENT YEAR FINANCIAL IMPACT \$40,726	(8) ANNUAL FINANCIAL IMPACT \$65,000 (FY 13-14)	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>February 7, 2012</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Jeff Hamm, Health Agency Director
Penny Borenstein, MD, MPH, Health Officer

DATE: May 14, 2013

SUBJECT: Request to approve an amendment to an agreement (Clerk's File) with the California Environmental Protection Agency to extend the term of the agreement from March 31, 2013 to December 31, 2013, with all other provisions remaining the same, to implement hazardous material/waste programs throughout the County.

RECOMMENDATION

It is recommended that the Board:

- 1) Approve an amendment to an agreement with the California Environmental Protection Agency to extend the term of the agreement from March 31, 2013 to December 31, 2013, with all other provisions remaining the same, to implement hazardous material waste programs throughout the county;
- 2) Ratify the Director of Environmental Health Services signing the amendment on March 27, 2013 which extends the term for an additional nine months; and
- 3) Authorize the Director of Environmental Health Services to sign future amendments to the Agreement with the California Environmental Protection Agency that do not increase the level of General Fund support required by the Health Agency.

DISCUSSION

The San Luis Obispo County Certified Unified Program Agency (CUPA) (Environmental Health Services) implements hazardous materials/waste programs throughout the county. The hazardous materials/waste programs require regulated businesses to prepare and submit information regarding hazardous materials, hazardous waste, underground storage tanks and other information required under various State laws and regulations. The San Luis Obispo County CUPA is charged with collection and review of the information/data submitted by regulated businesses and with providing that information to first responders. For the past 20 years, the information has been submitted using paper forms and the data has been manually entered into a database by administrative staff. In 2008, Assembly Bill 2286 (AB 2286) was passed by the State legislature to establish a statewide hazardous materials/waste information management system. The financing of the information management system is from a surcharge placed on regulated businesses, not to exceed \$25 each for 3 years. AB 2286 also mandated that all CUPAs implement an electronic reporting system by March 31, 2013. This mandate has two phases:

- Phase 1: Regulated businesses electronically submit data to the CUPA.
Phase 2: The CUPA electronically submits data to the State.

San Luis Obispo County CUPA has completed Phase 1 by building the public access portal that allows regulated businesses to submit hazardous materials chemical inventory data electronically to the CUPA. Nearly 100% of regulated businesses currently have passwords and are submitting this data electronically to the San Luis Obispo County CUPA.

Agreement No. G10-UPA-84 with the California Environmental Protection Agency reimburses the CUPA for expenses incurred in past fiscal years dating back to January 2010 as well as reimburses the CUPA for future expenses to build the capacity to electronically submit data to the State.

Due to technical delays at California Environmental Protection Agency, Phase 2, electronic submission of data from the CUPA to the State, is not yet possible. Thus, it was necessary to extend the end date of the agreement from March 31, 2013 to December 31, 2013. Local CUPAs were given no time leeway on extending the agreement such that the Director of Environmental Health Services signed the amendment in advance of the Board of Supervisors (who had authorized the Director of Environmental Health Services to sign the original agreement). The amendment changed the term of the agreement and did not change the scope of work or budget. Therefore, the amendment did not increase the level of General Fund support.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the amendment as to form and legal effect.

FINANCIAL CONSIDERATIONS

The original agreement with the California Environmental Protection Agency allocated \$105,726 to implement the electronic reporting hazardous materials/waste information management system. The contract period began on January 1, 2010 and ended on March 31, 2013. Due to the continued delays by the California Environmental Protection Agency in implementing the project, \$40,726 will be spent in FY 2012-13, the remainder of the funding in the amount of \$65,000 was included in the Department's recommended FY 2013-14 budget. Approval of this amendment will not increase the level of General Fund support required by the Health Agency.

RESULTS

The expected results are as follows:

- Add Hazardous Waste Generator, Hazardous Waste Treatment, Underground Storage Tank and Above Ground Storage Tank forms to the CUPA's public access portal.
- Evaluate existing Environmental Health database software for completeness, accuracy and compliance with the State Regulations (Data Gap Analysis).
- Modify existing Environmental Health database to correct any issues identified in the Data Gap Analysis.
- Purchase computer hardware to enable electronic data transfer.
- Update existing electronic inspection forms as necessary.

These results will help the department achieve its mission to promote, preserve and protect the health of all San Luis Obispo County residents and will help the County to achieve its vision of a safe and healthy community.

ATTACHMENTS

1. Clerk's File Statement for Amendment to Agreement with the California Environmental Protection Agency